United Nations A/C.5/54/SR.72

General Assembly
Fifty-fourth session

Official Records

Distr.: General
10 July 2000

Original: English

Fifth Committee

Summary record of the 72nd meeting
Held at Headquarters, New York, on Friday, 26 May 2000, at 10 a.m.

Chairman: Ms. Wensley ..... (Australia)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Mselle

Contents

Agenda item 142: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*)

Agenda item 143: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*)

Agenda item 128: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*)

Agenda item 149: Financing of the United Nations Mission in the Central African Republic

Agenda item 166: Financing of the United Nations Interim Administration Mission in Kosovo (*continued*)

Agenda item 173: Financing of the United Nations Transitional Administration in East Timor (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

00-45149 (E)

Agenda item 175: Financing of the United Nations Organization Mission in the Democratic Republic of the Congo

Agenda item 130: Financing of the activities arising from Security Council resolution 687 (1991) (*continued*)

(a) United Nations Iraq-Kuwait Observation Mission (*continued*)

The meeting was called to order at 10.05 a.m.

Agenda item 142: Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (*continued*) (A/54/120, A/54/634, A/54/850 and A/54/874)

Agenda item 143: Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (*continued*) (A/52/784; A/54/634, A/54/850 and A/54/874)

1. **Mr. Repasch** (United States of America) said that his Government had been a champion of the Tribunals from their inception. They had made significant contributions to international humanitarian law by making historic judgements on genocide, among many other accomplishments.

2. Despite those accomplishments, however, problems in both Tribunals needed attention. The Expert Group had focused on such issues as pre-trial delays, translation problems, availability of courtrooms, prolonged trials, excessive motions, the prosecutor's heavy burden of proof, and the role of defence in an adversarial system. By and large, his delegation supported the recommendations made by the Expert Group and was pleased to note that the Tribunals had implemented or were in the process of implementing many of them. His delegation also supported the statement by the representative of Tanzania that the report should have distinguished between those findings and recommendations meant for the Yugoslavia Tribunal and those for the Rwanda Tribunal, as they were two independent entities.

3. His delegation was pleased to note recent improvements in administrative, managerial and budgetary matters. He requested confirmation from the Secretariat of his understanding that the reports of the Board of Auditors on the Tribunals would be issued as stand-alone documents, and asked when they might be issued.

4. Turning to the report of ACABQ (A/54/874), his delegation agreed wholeheartedly with the observation in paragraph 4, and expected the Advisory Committee to include visits to the Tribunals in its next field trip. In paragraph 11, the Advisory Committee recommended, and his delegation strongly agreed, that every effort should be made to fully and effectively utilize the existing resources of each Tribunal before requesting additional resources to implement recommendations by the Expert Group. It also concurred with the recommendations in paragraphs 12, 13 and 14.

5. His delegation would like to receive more information about the status of action taken to address the issues raised by OIOS in its audit of the Yugoslavia Tribunal (A/54/120). Like the European Union, it would like to know the specific nature of the document translation problems at The Hague and the specific steps being taken to address them. It had noted in numerous documents that "court management issues" had for some time contributed to delays and misunderstandings among the various organs of the Rwanda Tribunal. It would like to know the status of the positions of Courtroom Coordinator, Chief of Judicial Support Services and Deputy Registrar. His delegation had also noted that operations in the Rwanda Tribunal had been hampered by deficiencies in finance and procurement. He would like to know whether a qualified individual had been found to serve as chief of administration and whether the Tribunal had fully implemented United Nations rules on procurement and procurement planning. His delegation also shared the concerns regarding the growing costs for defence counsel at both Tribunals, and had been startled by the frequent practice of the indictees, many of whom had been high-level Government officials, in pleading poverty, thus claiming entitlement to a free defence. He wondered what effort was made to investigate the veracity of such claims.

6. **Mr. Sach** (Director, Programme Planning and Budget Division) said that, in future, the reports of the Board of Auditors on the two Tribunals would be issued as separate documents. The reports relating to the budget years 1998 and 1999 would be submitted to the General Assembly at its fifty-fifth session. Both Tribunals had experienced problems with respect to document translation because of the timing of the submission of documentation and the difficulty of recruiting staff competent in both French and English and in the languages of the accused, namely Bosnian,

Croatian and Serbian for the International Tribunal for the Former Yugoslavia and Kinyarwanda for the International Criminal Tribunal for Rwanda. With regard to recruitment of senior staff for the latter Tribunal, the post of Deputy Registrar had been filled, but would again become vacant at the end of May 2000. It had been decided to re-advertise the post of Chief Administrative Officer in order to increase the pool of candidates. A vacancy announcement had been issued with a closing date of 30 April 2000; candidates were currently being reviewed. He would reply to the other questions posed in informal consultations, when he would provide detailed data on procurement and costs for defence counsel.

Agenda item 128: Financing of the United Nations peacekeeping forces in the Middle East (*continued*)

(b) United Nations Interim Force in Lebanon (*continued*) (A/C.5/54/L.69)

7. **Mr. Ahounou** (Côte d'Ivoire), reporting on the outcome of the informal consultations on the item, expressed regret that it had not been possible to achieve a consensus on a draft resolution.

Draft resolution A/C.5/54/L.69

8. **Mr. Hassan** (Nigeria), introducing draft resolution A/C.5/54/L.69 on behalf of the Group of 77 and China, said that, in the light of the failure of delegations to reach agreement in informal consultations on a consensus draft resolution, the Group of 77 and China had reluctantly decided to submit the draft resolution before the Committee. He hoped that the Committee would consider the draft resolution positively.

9. **Mr. Diab** (Lebanon) said that it was vital to maintain the financial viability of the United Nations Interim Force in Lebanon. The Organization must take action since civilians seeking the protection of the United Nations had lost their lives. He therefore urged the Committee to support the draft resolution.

10. **The Chairman** suggested that the Committee should take action on the draft resolution at a later date.

11. *It was so decided.*

Agenda item 149: Financing of the United Nations Mission in the Central African Republic (A/54/851, A/54/857 and A/54/865)

Agenda item 166: Financing of the United Nations Interim Administration Mission in Kosovo (*continued*) (A/54/807 and A/54/842)

Agenda item 173: Financing of the United Nations Transitional Administration in East Timor (*continued*) (A/54/769/Add.1 and A/54/875)

Agenda item 175: Financing of the United Nations Organization Mission in the Democratic Republic of the Congo (A/54/872)

12. **Mr. Halbwachs** (Controller), introduced the reports of the Secretary-General on the financing of the United Nations Mission in the Central African Republic (A/54/851 and A/54/857), the report of the Secretary-General on the financing of the United Nations Interim Administration Mission in Kosovo (A/54/807), the report of the Secretary-General on the financing of the United Nations Transitional Administration in East Timor (A/54/769/Add.1) and the report of the Secretary-General on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo (A/54/872).

13. The two reports relating to the United Nations Mission in the Central African Republic (MINURCA) contained the financial performance report of the Mission for the period from 1 July 1998 to 30 June 1999 (A/54/851) and the revised budget for the period from 1 July 1999 to 30 June 2000 (A/54/857). In 1998/1999, expenditure had totalled $60.2 million against an appropriation of $63.4 million, resulting in an unencumbered balance of $3.2 million. The revised budget for 1999/2000 amounted to $41 million gross, representing an increase of $7.7 million compared with the initial budget of the Mission for the same period. The increase was attributable to additional requirements arising from the extension of the Mission's mandate until 15 February 2000. The revised budget was inclusive of the commitment authority granted by the Advisory Committee on Administrative and Budgetary Questions (ACABQ) in the amount of $6.7 million for the support of the conduct of the presidential elections.

14. The proposed budget for the maintenance of the United Nations Interim Administration Mission in Kosovo (UNMIK) for the period from 1 July 2000 to

30 June 2001 (A/54/807) amounted to $461.4 million, representing an increase of $34.3 million in relation to the apportionment for the current period from 10 June 1999 to 30 June 2000. Table 1 contained a comparison of the requirements for 1999/2000 and the estimated requirements for 2000/2001. The resources requested would provide for 353 additional posts, bringing the total number of staff to 9,754, as indicated in table 2. The distribution of staff was shown in the table on page 38. Detailed justification for the additional posts requested was contained in paragraphs 118 to 159.

15. The proposed budget for the maintenance of the United Nations Transitional Administration in East Timor (UNTAET) from 1 July 2000 to 30 June 2001 (A/54/769/Add.1) amounted to $584.1 million, compared with $386.3 million for the current seven-month period from 1 December 1999 to 30 June 2000. The 2000/2001 requirements had been prepared on the basis of the operational concept, proposed organizational structures, budgetary assumptions and costing parameters used in the preparation of the 1999/2000 estimates.

16. With regard to the report of the Secretary-General on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo (A/54/872), he recalled that, by its resolution 54/260, the General Assembly had authorized the Secretary-General to enter into commitments for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for the period from 6 August 1999 to 30 June 2000 in an amount not exceeding $200 million. The requested amount had been intended to cover initial resource requirements not only for the period ending 30 June 2000, but also for the first part of the 2000/2001 financial period. It was now estimated that the requirements for the Mission for the period from 6 August 1999 to 30 June 2000 would amount to $58.7 million, resulting in a balance of $141.3 million. It was proposed that that amount should be carried over and used during the period from 1 July 2000 to 30 June 2001. It was therefore recommended that the General Assembly should reduce the commitment authority granted for MONUC for the period from 6 August 1999 to 30 June 2000 from $200 million to $58.7 million and approve commitment authority in the amount of $141.3 million for the period from 1 July 2000 to 30 July 2001, pending submission of the financing report of MONUC, which would likely be available at the beginning of the Assembly's fifty-fifth session.

17. **Mr. Mselle** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) introduced the related reports of ACABQ. With regard to the report of the Advisory Committee on the financing of the United Nations Mission in the Central African Republic (A/54/865), he said that the Advisory Committee recommended in paragraph 6 that the unencumbered balance for the period 1998/1999 should be credited to Member States. The Advisory Committee's comments on the revised budget of MINURCA for the period 1999/2000 were contained in paragraphs 7 to 11. It recommended in paragraph 12 that the General Assembly should appropriate and assess an additional amount of $7.7 million gross for that period. The Secretariat had proposed an appropriation of $115,800 for the period from 1 July 2000 to 30 June 2001. The Advisory Committee recommended that the General Assembly should appropriate that amount but, in view of the financial data contained in paragraphs 4 and 5 of its report, that no assessment was necessary.

18. Turning to the report of the Advisory Committee on the financing of the United Nations Interim Administration Mission in Kosovo (A/54/842), he recalled that he had outlined the Advisory Committee's views and recommendations on that matter at the Fifth Committee's 59th meeting. As he had indicated on that occasion, the Advisory Committee recommended that the General Assembly should authorize a commitment with assessment of $220 million gross to allow UNMIK to continue its activities through 31 December 2000. The Advisory Committee had sought in paragraphs 10 and 11 of its report to give the Secretary-General flexibility in the recruitment and replacement of staff.

19. With respect to the financing of the United Nations Transitional Administration in East Timor, the Advisory Committee recommended (A/54/875, para. 8) that the General Assembly should authorize a commitment authority of $292,069,000 gross. However, taking into account the information provided by the Secretariat regarding the financial performance for the period ending 30 June 2000, it recommended that the General Assembly should authorize assessment of an amount of only $200 million.

20. The Advisory Committee had considered the report of the Secretary-General on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo (A/54/872), which had been submitted pursuant to paragraph 17 of General Assembly resolution 54/260, in which the Assembly had noted the intention of the Secretary-General to submit to it during the second part of its resumed fifty-fourth session a preliminary expenditure report for the Mission for the period from 6 August 1999 to 30 June 2000. The General Assembly had authorized the Secretary-General to enter into commitments for MONUC for that period in an amount not exceeding $200 million gross, inclusive of the amount of $41,011,200 gross previously authorized by the Advisory Committee. Those amounts had not been assessed on Member States. Because of the tentative nature of the estimated requirements, the requested amount of $200 million gross had been intended to cover the initial resource requirements for MONUC for the period ending 30 June 2000, as well as for the first part of the subsequent 2000/2001 financial period.

21. It was now estimated that the requirements for the Mission for the period from 6 August 1999 to 30 June 2000 would amount to $58,681,000 gross and would cover the costs associated with the preliminary deployment of military and civilian personnel to the Congo region, the immediate initial requirements in connection with the establishment of MONUC, and resources for the acquisition of vehicles, communications and data-processing equipment. The Advisory Committee noted that detailed financial performance information on the utilization of those resources would be submitted to the General Assembly at its fifty-fifth session. The balance of the commitment authority, amounting to $141,319,000 gross, would be carried over and used during the period from 1 July 2000 to 30 June 2001 to cover estimated resource requirements, pending submission to the Assembly at the main part of its fifty-fifth session of a comprehensive report on the financing of the Mission.

22. The Advisory Committee recommended acceptance of the proposal made by the Secretary-General in paragraph 9 of his report. Accordingly, the commitment authority granted by the General Assembly in its resolution 54/260 for the period from 6 August 1999 to 30 June 2000 should be reduced from $200 million gross to $58,681,000 gross and a commitment authority in the amount of $141,319,000 gross approved for the period from 1 July 2000 to 30 June 2001, pending submission of the financing report of MONUC requested in paragraph 16 of General Assembly resolution 54/260.

23. **Mr. Ramos** (Portugal), speaking on behalf of the European Union concerning the financing of the United Nations Transitional Administration in East Timor (UNTAET), reiterated the importance of the Mission's mandate, which was of unprecedented complexity and scope. It was of the utmost importance that UNTAET should be provided with adequate resources in order to fulfil its mandate. The European Union concurred with the recommendation of the Advisory Committee that the Secretariat should submit the budget for the Mission in September for the 12-month period beginning 1 July 2000, taking into account the results of the ongoing comprehensive review of its requirements to be presented to the Security Council.

24. The second pledging conference for East Timor would take place in June 2000; donor countries were urged to honour pledges made at the first conference in December 1999 as soon as possible.

25. The European Union shared the concerns of the Advisory Committee regarding delays in the deployment of civilian police. In the context of the evolving political process and the persistent potential for civil disorder, their role was crucial, and the rapid and full deployment of that component of the Mission should receive priority. In recruiting staff, priority should also be given to the selection of additional language assistants. The difficulty in quickly deploying civilian police and the high costs of that component highlighted the need for review of the arrangements for the timely deployment of civilian personnel, as the Advisory Committee pointed out in its report. The European Union agreed that the structure, role and capacity of the Civilian Police Unit of the Department of Peacekeeping Operations should be examined.

Agenda item 130: Financing of the activities arising from Security Council resolution 687 (1991) (*continued*)

(a) United Nations Iraq-Kuwait Observation Mission (*continued*) (A/54/709, A/54/736, A/54/841/Add.3, A/54/869 and A/54/873)

26. **Mr. Woodward** (Board of Auditors) said, in reply to the representative of Kuwait, who had previously asked about the length of time mission

subsistence allowance payments had been made in advance of entitlement, that the situation had occurred when some observers had taken leave from the Mission in advance of their entitlement to it and had been paid for the leave improperly. A total of $1,448,117 had been paid for such leave between May 1991 and September 1996. The Board of Auditors had confirmed, however, that the leave paid in advance had eventually been earned by the observers concerned.

27. **Mr. Monayair** (Kuwait) said that his delegation appreciated the information provided. The matter pointed out the need to define responsibilities and lines of accountability clearly.

The meeting rose at 10.55 a.m.